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15	UNITED STATES DISTRICT COURT	
16	NORTHERN DISTRICT OF CALIFORNIA	
17	SHERI L. KENDALL, d/b/a BALI HAIR SALON, <i>et al.</i> ,) Case No. C 04-4276 JSW
18	Plaintiffs,) WELLS FARGO BANK, N.A., BANK OF) AMERICA, N.A. and U.S. BANK
19	v.	NATIONAL ASSOCIATION'S NOTICE OF MOTION AND MOTION TO DISMISS
20	VISA U.S.A. INC., et al.,	FIRST AMENDED CLASS ACTION ANTITRUST COMPLAINT
21	Defendants.) Date: July 8, 2005
22		7 Time: 9:00 a.m. Courtroom: 17
23		Judge: The Honorable Jeffrey S. White
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WELLS FARGO BANK, N.A., BANK OF AMERICA, N.A., U.S. BANK NATIONAL ASSOCIATION'S NOTICE OF MOTION AND MOTION TO DISMISS Sheri L. Kendall, d/b/a Bali Hair Salon vs. Visa U.S.A.

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD: 2 PLEASE TAKE NOTICE that at 9:00 a.m. on July 8, 2005, in Courtroom 17 of the 3 United States District Court for the Northern District of California, located at 450 Golden Gate 4 Avenue, San Francisco, California, 94102, or as soon thereafter as the matter can be heard, 5 defendants Wells Fargo Bank, N.A. ("Wells Fargo"), Bank of America, N.A. ("B of A"), and 6 U.S. Bank National Association ("USB") (collectively "Defendant Banks") will, and hereby do, 7 move to dismiss the First Amended Class Action Antitrust Complaint in this action. The motion seeks dismissal of the complaint with prejudice under Federal Rule of Civil 8 9 Procedure 12(b)(6) for failure to state a claim on which relief can be granted. Plaintiffs' claims 10 under Section 1 of the Sherman Act fail because plaintiffs have not alleged any facts which 11 would support individual liability on the part of Defendant Banks for participating in an unlawful 12 contract, combination or conspiracy in restraint of trade. Plaintiffs' "claim" under Section 16 of 13 the Clayton Act should also be dismissed because Plaintiffs do not and cannot seek relief as 14 against the moving parties. 15 This motion is based on this Notice of Motion and Motion, the concurrently filed 16 Memorandum of Points and Authorities, and all evidence and argument as may be presented to 17 the Court at the hearing on this motion. 18 /// 19 /// 20 21 /// 22 23 /// 24 25 26 27

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1	Dated: June 3, 2005
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